

P L A N N I N G C O M M I S S I O N

ACTION MINUTES

TUESDAY, APRIL 20, 2004

Chair Gibson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners: Gibson, Parsons, Frautschi, Horton, Wozniak, Dickenson, (Arrived 7:04)

Absent, Commissioners: Long

Present, Staff: Community Development Director Craig Ewing (CDD), Principal Planner Carlos de Melo (PP), Associate Planner Dia Swan (AP), Attorney Jean Savaree (CA), Recording Secretary Rachel Szabó (RS).

2. AGENDA AMENDMENTS:

Chair Gibson said that it had been suggested that Items 5B and 5C be moved ahead of Agenda Item 5A as it appeared that the first Agenda item would be lengthy. No objections from staff, and Commission members agreed.

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR:

4A. Resolution for 905 South Road – Continued to Planning Commission Meeting of 5/4/04.

Chair Gibson asked if there would be any additional comments to this request. CDD Ewing stated there was nothing further, other than the request for the continuance.

MOTION: By Vice Chair Parsons, second by Commissioner Frautschi, to approve the continuance to meeting of 5-4-04.

Ayes: Parsons, Frautschi, Horton, Wozniak, Gibson,

Noes: None

Absent: Long, Dickenson

Motion passed 5/0

5B. PUBLIC HEARING – 1735 Valley View Avenue

To consider a Single Family Design Review to construct a 1,377 square foot addition to the existing 2,092 square foot residence that is below the zoning district permitted 3,500 square feet for the site. (Appl. No. 03-0112)

APN: 044-331-070; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(2)(a & b)

Applicant/Owner: Craig and Joan Jones

AP Swan presented the project recommending Commission approval.

Kirk Wheeler, resident of 1737 Valley View, addressed the Commission voicing his approval of the project.

MOTION: By Vice Chair Parsons, second by Commissioner Frautschi, to close the Public Hearing. Motion Passed.

VC Parsons and Chair Gibson disclosed that they had met the applicants while visiting the site.

MOTION: By Commissioner Frautschi, second by Vice Chair Parsons, to pass a resolution of the Planning Commission of the City of Belmont to approve a Single Family Design Review for 1735 Valley View Avenue.

Ayes: Frautschi, Parsons, Dickenson, Horton, Wozniak, Gibson

Noes: None

Motion Passed 6/0

5C. PUBLIC HEARING – 1200 Lane Street

To consider a Single Family Design Review to construct a 904 square foot addition to the existing 1,817 square foot residence for a total of 2,721 square feet that is below the zoning district permitted 3,500 square feet for this site. (Appl. No. 04-0009)

APN: 045-282-060; Zoned: R-1C (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(2)(a & b)

Applicant/Owner: Marc and Giuliana Hobeychi

PP de Melo summarized the Staff Report, recommending approval of the project and was available to answer questions from the Commission.

Fred Strathdee, architect for the project stated that one of the major objectives for the design was to preserve the existing view for the neighbors.

MOTION: By Commissioner Frautschi, second by Commissioner Wozniak, to close the Public Hearing. Motion Passed.

VC Parsons and Commissioner Frautschi wished to disclose that they met with the owners when on their site visit.

MOTION: By Commissioner Frautschi, second by Commissioner Dickenson, to pass a resolution of the Planning Commission of the City of Belmont to approve a Single Family Design Review for 1200 Lane Street with the inclusion of Exhibit A.

Ayes: Frautschi, Dickenson, Horton, Wozniak, Parsons, Gibson

Noes:

Motion Passed 6/0

MOTION: By Commissioner Frautschi, second by Commissioner Dickenson, to pass a resolution of the Planning Commission of the City of Belmont to approve a Single Family Design Review for 1861, Robin Whipple Way, with Exhibit A, appended.

Ayes: Long, Dickenson, Frautschi, Wozniak, Gibson, Horton

Noes: Parsons

Motion Passed 6/1

5A. PUBLIC HEARING – 1220 North Road

To consider a Single Family Design Review and Variance(s) to permit the construction of a new unenclosed carport structure in front of an existing 2,851 square foot single family residence. The project also includes a floor area increase of 20 square feet for an elevator shaft leading to the existing residence and removal of one protected oak tree to reconfigure the existing entry stairs. (Appl. No. 03-0104)

APN: 044-111-500; Zoned: R-1B (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(2)(a & b)

Applicant/Owners: Olaf and Hang Holoyda

PP de Melo presented this project to the Commission recommending approval. He was available for questions from the Planning Commission.

AP Swan presented the project to the Commission recommending approval and was available for questions.

Chair Gibson asked staff if the elevator violated any of the zoning code sections. Staff replied that it did not.

C Frautschi asked for clarification by asking that if a property is already at it's maximum FAR, is it true that staff can still authorize, administratively, 100 additional feet. Staff replied that was correct. He also asked staff to expound on the issue of "special privilege"

CDD Ewing gave a thorough explanation of the definition of special privilege and also provided examples.

C Horton asked why there was no roof over the garage. AP Swan replied that if there were a roof, it would require a floor area ratio exception, so by not covering the garage, it is therefore not counted as floor area.

CDD Ewing added that previously there was Commission direction that a floor area exception did not appear to be something the Commission could support.

Hang Holoyda, Owner, addressed the Commission stating that both she and her husband have come to realize that buying this property was a mistake, but they were now attempting to improve the property.

Olaf Haloyda, Owner, stated that both his wife and himself, and the rest of the present team have worked very hard to eliminate all the previous concerns the Commission has had regarding this project. He added that the safety of his family and the safety of those using the street in front of the lot where his main concern in this project right now. He added that the stairs were designed with multiple landings that are up to code, that have railings, and that are much safer to use.

Hand held microphone malfunction. Portions of responses to Commissioners questions were inaudible.

CDD Ewing asked that Mr. Sung, the geo-technician to explain the purpose of the beams that hold up the wall.

Mr. Sung replied that the purpose of the brace beams were to minimize the construction cost and thickness of the retaining wall. He added that all the beams measured 10 feet above the garage floor and if the wall were built cantilever style, the wall would be much thicker and would reduce the size of the parking structure.

Mr. Halyoda said he was unable to understand why there was speculation from the part of the Commission regarding the purpose of the high-beams. He assured the Commission that his family had no intension of building anything illegal and that his goal was to rectify any exitsting mistakes.

Tom Finlayson of 1548 Winding Way, addressed the Commission stating that he was in favor of the project.

MOTION: By Commissioner Frautschi, second by Commissioner Dickenson, to close the Public Hearing. Motion Passed.

VC Parsons expounded on his previous comments noting that he still felt changes to the design could be made that would be less obtrusive and would not require encroaching on the city right-of-way. He added that he had a problem with the design as it stands now, and would vote against it.

Chair Gibson said that he felt it was imperative that this house be rescued from sliding down the hill, and with that in mind, believes that the structural improvements to the parking area is essential. He stated further that he couldn't see how not covering the garage roof area would make Belmont a better place.

C Wozniak said that she was not sure whether she could support the project as it is right now because of the stair and the right-of-way issues.

MOTION: By Vice Chair Parsons second by Commissioner Dickenson, to pass a resolution of the Planning Commission of the City of Belmont to approve variances, removal of one protected tree, and continuation of the stairways, and recommendation to the City Council to deny an encroachment permit for stairways in the public right-of-way, and reduce retaining wall as much as possible for 1220 North Road.

Ayes: Parsons, Dickenson

Noes: Frautschi, Horton, Wozniak, Gibson

Motion Failed 2/4

MOTION: By Commissioner Dickenson, second by Vice Chair Parsons, to pass a resolution of the Planning Commission of the City of Belmont to approve the variance, approve the Single Family Design Review, subject to the condition that the stairways in the front yard be redesigned to be located entirely within the property and outside the public right-of-way, and that the redesign be returned for the Planning Commissions' final approval.

Ayes: Dickenson, Parsons, Horton, Gibson

Noes: Frautschi

Abstain: Wozniak

Motion Passed 4/1/1

6. REPORTS, STUDIES, UPDATES, AND COMMENTS:

6A. Conflict of Interest Discussion

CDD Ewing outlined the direction of the discussion noting that he has provided the Commission with a number of essays that have come out of the Planning Commissioners Journal that discuss the kinds of situations Planning Commissioners find themselves in as a part of their responsibilities often outside the Commission Chambers.

CDD Ewing stated that some of the guidelines that should be noted in the following essays mention preserving the integrity of the Planning Commission as a fair, impartial and open body. He expounded by stating that this is something staff keeps in mind when providing staff reports and answering questions so the Commission can continue to deliver fair and impartial decisions. CDD Ewing reminded the Commission that they do not give up any rights as a Citizen by becoming a Planning Commissioner, but Commissioners must always keep in mind that they are taking on the added responsibility of putting public interest ahead of personal agenda. He added that the Commission should not make up their mind on a decision until they are in the Commission Chambers and hear the deliberations of the public and hear each other's comments. CDD Ewing stated further that the Commission should work to maintain the community's confidence both in the Commission and the process.

CA Savaree went over the points in the State of California's Brown act that states the public's business is to be done in public. She then listed the kinds of situations that would constitute a conflict of interest as recognized by the Fair Political Practice Commission. If you or your Spouse, or dependent child;

- Own property within 500 feet of an application
- Is an owner, investor, director in a business entity that is coming forward
- If you have \$25,000 stock in a fortune 500 company
- Has received \$500.00 in income from an applicant within the last year
- If gifts have been received from an applicant totaling \$340.00 within a year

In any of these situations, CA Savaree continued, the Commissioner is required to recuse.

C Frautschi asked if the conflict of interest law deals in any way with personal friendships.

CA Savaree answered that it does not, unless there is money attached to that friendship.

Discussion ensued with several questions for staff and the City Attorney. CDD Ewing closed by stating that if the Commissioners think of any other topics they feel were not covered this evening, they should feel free to contact him to provide answers to the Commission.

7. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF

TUESDAY, APRIL 27, 2004.

Liaison: Chair Gibson

Alternate Liaison: Commissioner Dickenson

8. ADJOURNMENT: 10:06 p.m.

Craig A. Ewing, AICP

Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review

in the Community Development Department

Please call (650) 595-7417 to schedule an appointment.